

United States Court  
Southern District of Texas  
FILED

OCT 12 2019

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

Vs.

Aaron Noel Rivas

## CRIMINAL COMPLAINT

Case Number: 2:19-MJ-3955

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about October 11, 2019 in Brooks County, in the Southern District of Texas, defendant, Aaron Noel Rivas

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324  
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:  
Official Title

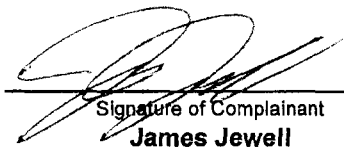
See Attached Affidavit of U.S. Border Patrol Agent

James Jewell

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on the:

  
Signature of Complainant  
James Jewell  
Printed Name of Complainant

October 12, 2019

Date

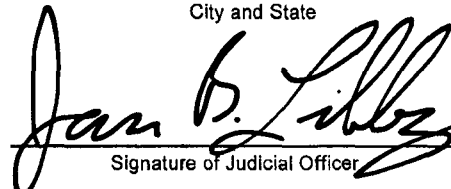
at

Corpus Christi, Texas

City and State

Jason B. Libby U.S. Magistrate Judge

Name and Title of Judicial Officer

  
Signature of Judicial Officer

### **AFFIDAVIT**

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

#### **FACTS/DETAILS:**

On October 11, 2019, Border Patrol Agents were performing roving patrol duties north of the Falfurrias checkpoint. At approximately 12:45 a.m., agents were alerted that a sensor camera activated showing three subjects on image. At that time, an agent responded to the area and was able to identify shoe prints of three subjects who had been dropped off south of the Falfurrias checkpoint. This area is notorious for alien smuggling and it is common for alien smugglers to guide illegal aliens through the brush in order to circumvent the immigration checkpoint.

Utilizing tracking, sign-cutting techniques, and the use of thermal and night vision goggles, Border Patrol Agents were able to locate the group of three subjects. The agents moved in to intercept the subjects, and after a brief chase were able to apprehend two subjects. One subject, later identified as Aaron Noel Rivas, was identified as a United States citizen. The second subject, later identified as Diego Eduardo CATINAC-Choc, was a citizen of Guatemala illegally present in the United States. The third subject had absconded into the brush and a search of the area was unsuccessful in locating him.

RIVAS and CATINAC were transported to the Falfurrias Border Patrol Station for further investigation and processing. Once at the station, both subjects were read their Miranda Rights in the language of their preference. Both subjects signed stating that they understood their rights and were willing to make a statement without the presence of an attorney.

#### **PRINCIPAL STATEMENT: (Aaron Noel RIVAS)**

RIVAS stated that he had met a man at a party who had discussed with him an opportunity to make quick money by guiding illegal aliens around the Falfurrias checkpoint through the brush. RIVAS also admitted that this was not his first time guiding illegal aliens through the brush to a predesignated location.

RIVAS stated that he had met a man at the HEB in Falfurrias, Texas, and proceeded to drive to the valley to pick up two illegal aliens. Once they had picked up the two aliens, they made their way back to Falfurrias where the driver stopped the vehicle south of the checkpoint. RIVAS and two aliens exited the vehicle and began walking through the brush to where they were going to be picked up on a paved highway.

#### **MATERIAL WITNESS STATEMENT: (Diego Eduardo CATINAC-Choc)**

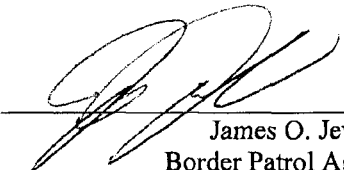
CATINAC stated that at approximately 9:00 p.m. (October 10, 2019), he was informed that he was to get ready because he was about to be sent north on his trip. CATINAC stated that he gathered his personal items and waited for an additional phone call telling him when he was going to be picked up. CATINAC stated shortly after he was picked up and taken to a second location where the second alien joined him.

From there, CATINAC stated that they went to a Wal-Mart, then a McDonald's where they ate with two men; one of the men being the driver, the other being the foot guide.

At the McDonald's, CATINAC was told that their brush guide did not speak Spanish and to stay close and not lose sight of him when in the brush. CATINAC stated that he was given a phone number which he would call once they were near the pick-up location. Shortly thereafter, they were driven towards the Falfurrias checkpoint. The driver pulled over and told the aliens and brush guide to exit the vehicle. CATINAC said his group then began to walk through the brush for an unknown distance until he was apprehended with the man he identified as the brush guide. CATINAC was later shown a photo line-up and identified the driver of the smuggling vehicle as well as the driver who picked him up from the stash house and dropped him off at McDonald's.

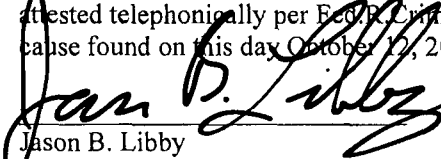
**DISPOSITION:**

The facts of this case were presented to Assistant United States Attorney Patricia Booth who accepted Aaron Noel RIVAS for prosecution of 8 USC 1324, Alien Smuggling. Diego Eduardo CATINAC-Choc will be held as a Material Witness.



James O. Jewell  
Border Patrol Agent

Submitted by reliable electronic means, sworn to, signature  
attested telephonically per Fed.R.Crim.P.4.1, and probable  
cause found on this day October 12, 2019



Jason B. Libby  
United States Magistrate Judge